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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,860	01/16/2002	Lars Skaringer	450110-03745	1776

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 10/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/052,860

Applicant(s)

SKARINGER ET AL.

Examiner

Lewis A. Bullock, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/16/02; 4/22/04</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of Draftperson's Review. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the loading of computer readable storage medium on a computer in comparison to the device of claim 1 which denotes structural and functional operations. Claim 10 would envision the loading of computer readable storage medium containing code components of a device onto a computer system wherein a device is a tangible entity, i.e. printer, computer system, or an embedded system. It would not be incorrect to illustrate a computer readable storage medium having recorded thereon code components that when loaded on **the device** will cause the **device** to operate according to claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by McCLELLAN (U.S. Patent 5,619,250).

As to claims 1 and 10, McCLELLAN teaches a device (interactive television system / set top box) for providing downloaded objects (description record) to an application (application program), the device including: an object layer (PCMCIA interface) interface for downloading from a received transport stream (television network) a module (system module) containing an object (description record) (col. 10, lines 54-55; col. 9, lines 35-col. 10, line 14) requested by an application (application) (via requesting for a newer module and downloading the newer modules) (col. 7, lines 6-35); a module memory for storing downloaded modules (RAM / FLASH memory) (col. 7, lines 36-42; col. 8, lines 25-28); and a controller (set top box / operating system) (col. 2, lines 1-5) for monitoring whether the modules in the module memory are current versions (col. 7, lines 23-35); wherein when the application (application program) requests an object contained in a stored module and the stored module (system module) is a current version, the object layer interface (PCMCIA interface) provides the application with the object from the module memory (col. 7, lines 57-65) and, when the

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application (application program) requests an object contained in a stored module and the stored module (system module) is not a current version, the object interface downloads the current version of the module and overwrites the module stored in the module memory (via updating the configuration description block) (col. 7, lines 23-65); the device further including: an object cache for storing objects (ROM) (col. 6, lines 57-65); wherein when the application (application program) requests an object contained in a stored module and the stored module is not the current version, before the object layer interface overwrites the stored module (updates the configuration description block) with the current version of the stored module, the controller copies into the object cache only the objects of the stored module still in use by the application (the older version of the module is stored in ROM) (col. 6, lines 57-65).

As to claims 2 and 3, McCLELLAN teaches the controller (operating system) is responsive to information in the transport stream regarding the current versions of the modules (newer modules) transmitted in the transport stream (col. 7, lines 23-35).

As to claims 7 and 8, McCLELLAN teaches the device is a MHP compliant television device (col. 5, lines 54-57; col. 4, lines 2-10).

As to claims 9 and 11, reference is made to a method that corresponds to the device of claims 1 and 10 and is therefore met by the rejection of claims 1 and 10 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCLELLAN (U.S. Patent 5,619,250) in view of KONINKLIJKE (WO 99/65230).

As to claim 4, McCLELLAN substantially discloses the invention above.

However, McCLELLAN does not teach that the objects and modules are DSM-CC compliant. KONINKLIJKE teaches a transmission system in a television network environment wherein interactive applications request and receive DSM-CC compliant modules having DSM-CC objects (pg. 4, lines 10-24). Therefore, it would be obvious to combine the teachings of McCLELLAN with the teachings of KONINKLIJKE in order to conveniently access data as directed by the user (pg. 4, lines 21-24).

As to claim 5, KONINKLIJKE teaches the objects containing corresponding BIOP messages (pg. 5, lines 23-32) and are copied into the object cache (pg. 4, lines 10-24). Therefore it would be obvious that the BIOP message of the objects are also copied.

As to claim 6, McCLELLAN substantially discloses the invention above. However, McCELLAN does not teach that the filter. KONINKLIJKE teaches at least one

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filter for filtering from the transport stream packets of the module to be downloaded (prefetching) (pg. 5, lines 4-16). Refer to claim 4 for the motivation to combine.

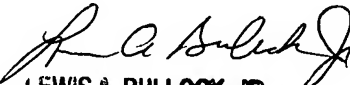
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm. In late-October, the examiner can be reached on (571) 272-3759.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. In late-October, the examiner's supervisor can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 28, 2004


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER